

Guidance for Temporary Worker Housing

Revised Emergency Rules - WAC 246-358-002

Revised requirements to protect occupants in Temporary Worker Housing from 2019 Novel Coronavirus (COVID-19) exposure

2019 Novel Coronavirus (COVID-19) is a serious workplace hazard that spreads from one person to another when an infected person coughs or sneezes. Coronavirus is also transmitted when a person touches a contaminated surface or object and then touches their own mouth, nose, or eyes.

This rule applies to all temporary worker housing (TWH) operators, whether or not H-2A workers are all or part of the occupants on-site.

WAC 246-358-050 requires employers to have a TWH camp management plan. Emergency rule (WAC 246-358-002) was recently revised and extended, requiring that all TWH operators to submit a revised TWH Camp Management plan *if your procedures have changed from the previous plan*.

Operators Must

- Identify a single point of contact for COVID-19 related issues.
- Share the plan with all occupants on the first day the plan is operational or the first day the occupant arrives at the TWH.
- Designate a person that will ensure all occupants are aware of all aspects of the plan and be available to answer questions.
- Submit the revised TWH camp management plan to the state Department *if your plan has changed from the previous version*, either by:
 - email to: Housing@doh.wa.gov
 - OR
 - mail to:
Washington State Department of Health
Housing Programs
PO Box 47824
Olympia, WA 98504
- Inspection staff will verify implementation of each facility's TWH Camp Management Plan during occupancy inspections.
- Failure to submit a revised plan or properly implement the requirement of the new rule section may result in administrative action, including license suspension or fines.

The TWH camp management plan checklist may be used for submittal. If checklist is used as a guide to revise/amend the facilities current TWH camp management plan, all sections of this chapter must be included to be considered for approval.

Temporary Variance

Consistent with WAC 246-358-040(1), an operator may request a temporary variance from the requirements of the emergency rule when another means of providing equal protection is provided. All variance request applications must be submitted to Labor and Industries.

L&I Variance web page - <https://lni.wa.gov/safety-health/safety-rules/enforcement-policies/rule-variances-variance-notice>

Send all variance applications (F414-157-000) to:

Safety Program Manager
Division of Occupational Safety & Health
PO Box 44650
Olympia WA 98504-4650

WAC 246-358-002 requires:

That the operator of TWH must implement the following steps to protect occupants from COVID-19 hazards:

- 1) **Educate occupants** in a language or languages understood by the occupants on COVID-19 and allow entry of community health workers and community-based outreach workers to provide additional information. Education must include:
 - How the virus spreads and how to prevent virus spread including the importance of handwashing, the use of cloth face coverings, proper respiratory etiquette, and prompt sanitizing of frequently touched items.
 - Common COVID-19 symptoms and risk factors; and what to do if they develop symptoms.
- 2) **Post information** conspicuously and in a language or languages understood by the occupants regarding:
 - The facility's health and safety policies.
 - How to identify symptoms.
 - To whom to report if not feeling well.
 - Where and how to secure medical treatment.
- 3) **Cloth face coverings for occupants.** The operator must provide, at no cost, an adequate number of cloth face coverings for occupants to use in accordance with Washington Department of Health guidelines, or as required by Washington Department of Labor and I (L&I) safety rules. The operator must instruct occupants to use cloth face coverings in public and at housing as recommended in the public health orders.
- 4) **Develop and implement a physical distancing plan** to maintain six (6) feet of separation between occupants when at housing sites, which includes all cooking, eating, bathing, washing, recreational, and sleeping facilities.

Requirements at TWH Sites

Operators must ensure the following conditions in sleeping quarters:

- Only the bottom bed of bunk beds are to be used except as allowed for related family members or under group shelters below.
- In addition:
 - Option A: Beds are spaced at least six (6) feet apart between frames in all directions and arranged so that occupants sleep head to toe;

OR

- Option B: Beds are separated by a bed length, floor to near ceiling temporary non-permeable barrier (e.g., Plexiglas, plastic sheeting, etc.) placed perpendicular to wall such that a thirty-six inch minimum aisle exists between the bed and the temporary barrier and occupants sleep head toward wall. Materials must be fire resistant or fire retardant treated.
 - Temporary barriers must not block exit routes.
 - Temporary barriers must not compromise ventilation/air flow.
 - Temporary barriers must be cleaned at least daily.

Operators must also:

- Use physical barriers (e.g., plastic shields) for fixtures such as sinks where occupants may come in close contact for short periods of time. Barriers near cooking surfaces need to be fire resistant or fire retardant and manufactured to be near cooking surfaces.
- Provide additional facilities or services if needed to ensure social distancing in common areas, such as additional refrigeration or portable sinks.
- Discourage occupants from visiting buildings or sleeping quarters that are not their assigned living spaces to minimize potential cross-contamination.
- Increase ventilation inside the housing sites by:
 - Mechanical ventilation systems must be turned on or windows must be open whenever the sleeping quarters are occupied.
 - In buildings without mechanical ventilation systems, windows must be open whenever occupied. Windows can be closed when conditions outside of the building could pose a hazard to occupants, such as during dust storms or when pesticides are being applied to fields near the building.
 - If the TWH facility or building has a mechanical ventilation system, it is maintained according to the manufacturer's specifications. TWH operators should work with building maintenance staff or HVAC contractors to determine if their existing mechanical ventilation system can be modified to increase ventilation or the percentage of outside air that circulates into the system.

Requirements at Group Shelters

"Group shelter" means a dwelling unit or cluster of dwelling units with sleeping facilities for up to fifteen occupants that includes toilet facilities, bathing facilities and, if applicable, food

preparation and cooking facilities. All facilities and services within the group shelter are for the sole use of the group shelter and shall be marked as such.

If the TWH is set up to accommodate a group shelter and a group shelter is formed, the operator must designate which occupants are part of each group and maintain the same occupants in each group shelter.

Operators of Group Shelters must:

- Designate which occupants are part of each group and maintain the same occupants in each group shelter.
- Multiple group shelters. More than one group shelter may share facilities and common areas as long as:
 - The facilities and areas are used by only one group shelter at a time;
 - Adequate time is given to each group to accomplish daily activities
 - Schedules are shared and conspicuously posted
- Arrange beds so that the heads of beds are as far apart as possible – at least six feet apart. Both beds of bunk beds may be used. Bunk bed occupants must sleep head to toe.
- Increase ventilation inside the housing sites by:
 - Mechanical ventilation systems must be turned on or windows must be open whenever the sleeping quarters are occupied.
 - In buildings without mechanical ventilation systems, windows must be open whenever occupied. Windows can be closed when conditions outside of the building could pose a hazard to occupants, such as during dust storms or when pesticides are being applied to fields near the building.
 - If the TWH facility or building has a mechanical ventilation system, it is maintained according to the manufacturer's specifications. TWH operators should work with building maintenance staff or HVAC contractors to determine if their existing mechanical ventilation system can be modified to increase ventilation or the percentage of outside air that circulates into the system.
- Maintain egress requirements.
- Provide all occupants suitable storage space including personal storage space for clothing and personal articles. Ensure all or a portion of the space is enclosed and lockable.
- Instruct occupants to maintain physical distancing and wear face coverings whenever possible in common areas.

Other Requirements for Group Shelters

The operator must:

- Ensure members of each shelter group stay together and separate from other groups, occupants, or workers, **including during transportation and work.**
 - Transportation and work. To utilize the group shelter option, the operator must ensure that members of each shelter group stay together and separate from

other groups, occupants, or workers, including during transportation and work. If the operator is not the employer, the operator must ensure the employer will follow the group shelter requirements.

- Ensure that the employer will follow the group shelter requirements if the operator is not the employer.
- Encourage each group shelter to designate one or two occupants to run errands if items cannot be provided by the operator. These designated occupants can be the main contact for procuring groceries or other items for the group shelter in order to limit public contact and potential disease transmission.
- Quarantine or test all members of a group shelter if a member of the group shelter develops symptoms of COVID-19, as directed by the local health agency.

Cleaning and Disinfection in All TWH Sites

The operator must:

- Clean and disinfect common areas on a regular schedule, at least as frequent as required by this chapter.
- Wipe down and disinfect surfaces that are touched by multiple individuals at least daily using an EPA-approved disinfectant or diluted bleach solution.
- Provide adequate supplies and instructions to occupants for cleaning and disinfecting of living spaces of dwelling units, family shelters, and group shelters. Chemicals used for cleaning and disinfecting must be labeled as to its intended purpose in a language commonly understood by the occupants using labeling requirements in chapter 296-901 WAC, Globally harmonized system for hazard communication.
- Ensure occupants are able to clean and disinfect frequent touched surfaces, bathroom, and cooking areas as needed.
- Provide adequate supplies of soap and single use paper towels at all sinks to allow for frequent hand washing. Portable handwashing stations or hand sanitizer may be provided in addition to required facilities.

Operators must ensure that any contracted cleaning workers are:

- Provided training in a language or languages understood by them regarding COVID-19 cleaning, disinfecting, and sanitizing protocols for any contracted cleaning labor prior to their arrival to clean temporary worker housing.
- Provided any personal protective equipment required under department of labor and industries rules to perform the cleaning activities.
- Provided and required to wear disposable gloves and wear cloth face coverings covering nose and mouth while working at the site.

Identification, Care, and Isolation of Sick Occupants

The operator must develop and implement a plan to identify and isolate sick occupants, including:

- A process to screen occupants for symptoms of COVID-19 as identified by the Center for Disease Control (CDC), including fever, cough, shortness of breath, difficulty breathing, chills, shaking with chills, muscle pain, headaches, and loss of taste or smell.
- Providing each occupant with a thermometer or designating and training a person to use a 'no touch' or 'no contact' thermometer to check all occupants' temperatures daily.
- Ensuring that all thermometers must be properly sanitized between each use or each day. Any worker with a temperature of 100.4°F or higher is considered to have a fever.
- Upon identification of suspect COVID-19 cases, the operator must contact the local health officer immediately as required under WAC 246-358-175 and provide transportation for any medical evaluation or treatment. Ensure individuals providing transportation have appropriate personal protective equipment.
- Isolate suspect COVID-19 cases with sleeping, eating, and bathroom accommodations that are separate from others. If the suspect occupant resides in a room with family members, the sick occupant will have the option to isolate with the family members.
- Confirmed COVID-19 cases must be isolated and only housed with other confirmed cases and must have separate bathroom, cooking and eating facilities from people who have not been diagnosed with COVID-19. If the confirmed occupant resides in a room with family members, the sick occupant will have the option to isolate with the family members.
- Report COVID-19-symptomatic or positive TWH occupants in isolation to the department of labor and industries' division of occupational safety and health (DOSH) within twenty-four hours after placement. This notification can be made by telephone to the department of labor and industries toll-free telephone number, 1-800-4BE-SAFE (1-800-423-7233), or to DOSH by any other means.
- The operator must provide food and water and monitor for safety occupants in isolation at the operator's facility or ensure that these services are provided if isolated at another facility, such as a state or local government quarantine facility.
- The operator must ensure appropriate isolation facilities for COVID-19-symptomatic or positive TWH occupants, including the following: Ensure that a licensed health care professional visits occupants twice per day, at the employer's expense. At a minimum, the health care professional must assess symptoms, vital signs, and oxygen saturation via pulse oximetry, and perform a respiratory exam. For the purposes of this subsection, a licensed health care professional includes: a registered nurse; a physician; a physician assistant; an osteopathic physician; an osteopathic physician assistant; an advanced registered nurse practitioner; and a paramedic or emergency medical technician (EMT) and authorized to monitor COVID- 19 symptomatic or positive individuals as authorized by the local medical program director, EMS administrators, and fire chief while working in their agency/jurisdiction.
- Guarantee that the occupants have ready access to telephone service to summon emergency care.

- Ensure that occupants in isolation have access to advanced life support emergency medical services within twenty minutes, and an emergency room with ventilator capability within one hour.
- If the operator uses other isolation facilities, such as hotels, county or state run isolation centers, the operator must verify that the isolation facility complies with requirements of this section prior to transporting workers to the facility.

Operators must:

Ensure cleaning and disinfection of any areas where occupants with suspect COVID-19 exposure have been. This must be:

- According to CDC guidelines.
- Before the space is used by others.

Workplace Discrimination

It is against the law for any employer to take any adverse action such as firing, demoting, or otherwise retaliating against a worker they suspect of exercising safety and health rights such as raising safety and health concerns to their employer, participating in union activities concerning safety and health matters, filing a safety and health complaint or participating in an L&I Division of Occupational Safety and Health (DOSH) investigation. Workers have 30 days to file a complaint with DOSH and/or with the federal Occupational Safety and Health Administration (OSHA). www.Lni.wa.gov/workers-rights/workplace-complaints/discrimination-in-the-workplace

TWH Emergency Rules – Frequently Asked Questions

GROUP SHELTERS

Q: IS IT PERMISSIBLE FOR MORE THAN ONE “GROUP SHELTER” TO USE A SINGLE COMMON KITCHEN/BATHROOM/BATHHOUSE, SET OF BATHROOMS, ETC.?

A: Yes. More than one group shelter may use the same common facilities, with the following conditions:

1. Multiple group shelters. More than one group shelter may share facilities and common areas as long as:
 - a. The facilities and areas are used by only one group shelter at a time
 - b. A schedule is developed, implemented and conspicuously posted for each shared facility to make sure occupants in group shelters have adequate access to shared facilities.
 - c. Adequate time is given to each group to accomplish daily activities;
 - d. All high contact surfaces are sanitized between each group; and
 - e. Each group shelter must have access to a bathroom at all times. As needed, additional portable restrooms can be brought in, permanently assigned to a specific group shelter, and only used by that group shelter.

Q: IN SECTION (1)(e)(i)(A), IT STATES THAT “THE HEADS OF BEDS ARE AS FAR APART AS POSSIBLE - AT LEAST SIX FEET APART.” I INTERPRET THIS TO MEAN THAT IN GROUP SHELTERS THE BUNK BED FRAMES MAY BE CLOSER THAN SIX FEET, BUT THAT ALL OCCUPANTS’ HEADS MUST BE AT LEAST SIX FEET FROM ALL OTHER PEOPLE’S HEADS. AM I INTERPRETING THAT CORRECTLY?

A: Yes, you are interpreting the bed rule correctly.

Q: IN SECTION (1)(e)(ii), IT SAYS THAT "THE OPERATOR MUST INSTRUCT OCCUPANTS TO MAINTAIN PHYSICAL DISTANCING AND WEAR CLOTH FACE COVERINGS WHENEVER POSSIBLE." IS PHYSICAL DISTANCING REQUIRED IN GROUP SHELTERS?

A: The six-foot physical distancing requirement would not be as strictly enforced with group shelters. However, it is still important and must be emphasized, even for group shelters.

Q: WHEN ARE PHYSICAL BARRIERS NEEDED IN KITCHENS AND BATHROOMS FOR GROUP SHELTERS?

A: Install barriers when work conditions (layout of work area, tasks performed) don’t permit employees to be at least six feet apart and other respiratory protection measures can’t be implemented.

The idea is to separate the people (breathing zones), not the fixtures, etc. If two sinks are next to each other, they get a lot of use during certain times, AND there is room to place barriers to separate the people, they should be installed. We have not required employers to put additional barriers in between stalls in a bathroom but they would be required between urinals.

Q: CAN A GROUP SHELTER DINE WITH OTHERS?

A: When a group shelter is dining, they should be the only group in that dining space, at that time, particularly if it is an indoor space. Outside areas - provide more than 6 feet between groups and those not assigned to a group.

Q: ARE RELATED FAMILY MEMBERS IMPACTED BY THE PHYSICAL DISTANCING REQUIREMENTS IN THE EMERGENCY RULES?

A: Related family members can live together in their own unit without physical distancing regardless of their “group shelter” status.

- Both bunks (top and bottom) may be used in a family shelter with related family members.
- The emergency rules related to sleeping areas would not apply. Square footage in the regular rules does still apply.
- Outside of their sleeping unit, all social distancing requirements apply whether they are part of a group shelter or not.

TOILET FACILITIES

Q: DO I NEED TO ADD MORE TOILET FACILITIES TO ACCOMMODATE PHYSICAL DISTANCING?

A: It depends on your existing TWH. If the existing number of toilets, sinks and showers does not allow occupants to conveniently use them and maintain physical distancing, then extra facilities (e.g., portable toilets with handwashing stations) must be brought in. This is true whether or not the facilities are part of a group shelter.

Q: MAY I SCHEDULE THE USE OF TOILET FACILITIES?

A: No. Occupants must be able to use the toilet facilities as often as needed. If needed, more facilities may be added to allow for both convenient use and physical distancing.

SLEEPING QUARTERS

Q: TO USE BARRIERS (e.g., PLEXIGLASS) IN SLEEPING QUARTERS, THE RULES SAY I MUST INSTALL IT “FLOOR TO NEAR CEILING.” WHAT DOES “NEAR CEILING” MEAN?

A: The barriers must extend to within twelve (12) inches of the lowest point of the related ceiling.

Q: MAY I USE SHOWER CURTAINS AS BARRIERS IN SLEEPING QUARTERS?

A: The rules do not speak to the thickness of the barrier material. However, any material used must be either fire resistant or fire retardant treated.

ISOLATION AND QUARANTINE FACILITIES

Q: HOW SPECIFIC MUST THE CAMP MANAGEMENT PLAN BE RELATED TO ISOLATION AND QUARANTINE FACILITIES?

A: The operator must describe whether the plan is to isolate and/or quarantine occupants onsite, in county facilities, or a combination of the two. The rule does not specify where cases are isolated or quarantined.

Any AG employer who has an employee moved to temporary worker housing isolation due to a positive COVID-19 test is required to call DOSH within 24 hours at 1-800 4BESAFE line.

Q: HOW WILL THE REQUIRED TWH REVISED CAMP MANAGEMENT PLANS BE REVIEWED AND APPROVED?

A: The rules do not require the Department of Health to approve the revised plans. DOH staff will be reviewing the revised plans for compliance with the emergency rules.

The rules state: “(2) The operator must revise the facility's written TWH management plan to include implementation of the requirements in this section, as applicable. (c) The operator must submit the revised TWH management plan to the state department of health within ten calendar days of the effective date of this section.”

Plan Review Process:

1. If the plans meet the emergency rules and enough information was provided, DOH inspectors will be ready to schedule the occupancy inspection to see the plan is being implemented.

2. If the plans meet the emergency rule guidelines but not enough information is provided, DOH staff will contact the operator and ask for additional information (e.g., number of group shelters, schedule, bed set up).
3. If the plans are outside the scope of the emergency rules, DOH will let the operator know they will have to comply with the rules unless a variance is approved by L&I.

Safety and Health Variances are submitted directly to L&I

Link to the LNI Variance web page – <https://lni.wa.gov/safety-health/safety-rules/enforcement-policies/rule-variances-variance-notice>

Q: IS A SEPARATE VARIANCE REQUIRED FOR ANY ISSUES ON TRANSPORTATION AND HOUSING?

A: A separate variance request would be required for each of these.

Q: FOR EMPLOYERS THAT HAVE MULTIPLE LICENSED FACILITIES ON THE SAME PARCEL, WOULD A SINGLE REQUEST BE SUFFICIENT OR WOULD IT HAVE TO BE BY UNIT/LOCATION?

A: L&I will accept a variance for multiple buildings at the same address as long as the application identified the different buildings and employees understood which buildings were covered by the variance.

TESTING

Q: DO THE UPDATED RULES MEAN THAT THE PREVIOUS TESTING REQUIREMENTS NO LONGER APPLY?

A: The program decided not to include the Governor’s agricultural employer testing requirements in Temporary Worker Housing emergency rules due to the distinction between “agricultural employer” and “TWH operator.” While there is obviously overlap between those two (and in many cases they are the same), not all TWH operators are employers. The testing requirements still apply to all agricultural employers.

RESOURCES

Emergency Rules

https://www.doh.wa.gov/Portals/1/Documents/4300/OTS-2301_2RuleLanguage-FINAL.pdf

Washington State Department of Health

- TWH program website:
<https://www.doh.wa.gov/LicensesPermitsandCertificates/FacilitiesNewReneworUpdate/TemporaryWorkerHousing>
 - Program number- 360-236-3393 / Housing@doh.wa.gov
 - Technical Assistance on Isolation and Quarantine- Wayne Clifford 360-701-8158
- www.doh.wa.gov/Emergencies/Coronavirus
 - If you have questions about what is happening in Washington, or how the virus is spread, please call **1-800-525-0127** and **press #** from 6 a.m. to 10 p.m., seven days a week. Language assistance is available. *Please note that this call center cannot access COVID-19 testing results. For testing inquiries or results, please contact your health care provider.

- <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/COVID-19GuidanceFarmAgriculturalWorkers.pdf>

Washington State Department of Labor and Industries

Call a consultant near you 1-800-547-8367 or email DOSHConsultation@Lni.wa.gov for help

Web site: www.Lni.wa.gov/DOSHConsultation

The DOSH coronavirus website (www.Lni.wa.gov/safety-health/safety-topics/topics/coronavirus) includes resources from CDC, OSHA, and the Washington Department of Health.

Local Health Jurisdictions:

<https://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions>

More COVID-19 Information and Resources

Stay up-to-date on the [current COVID-19 situation in Washington](#), [Governor Inslee's proclamations](#), [symptoms](#), [how it spreads](#), and [how and when people should get tested](#). See our [Frequently Asked Questions](#) for more information.

A person's race/ethnicity or nationality does not, itself, put them at greater risk of COVID-19. However, data are revealing that communities of color are being disproportionately impacted by COVID-19- this is due to the effects of racism, and in particular, structural racism, that leaves some groups with fewer opportunities to protect themselves and their communities. [Stigma will not help to fight the illness](#). Share accurate information with others to keep rumors and misinformation from spreading.

- [WA State Department of Health 2019 Novel Coronavirus Outbreak \(COVID-19\)](#)
- [WA State Coronavirus Response \(COVID-19\)](#)
- [Find Your Local Health Department or District](#)
- [CDC Coronavirus \(COVID-19\)](#)
- [Stigma Reduction Resources](#)

Have more questions about COVID-19? Call our hotline: **1-800-525-0127**. For interpretative services, **press #** when they answer and **say your language**. (Open from 6 a.m. to 10 p.m.) For questions about your own health, COVID-19 testing, or testing results, please contact your health care provider.

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 ([Washington Relay](#)) or email civil.rights@doh.wa.gov.